

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

DARRIN F. MITCHELL,)
)
Petitioner,)
)
v.) Case No. CIV-09-841-D
)
H. A. LEDEZMA, Warden,)
)
Respondent.)

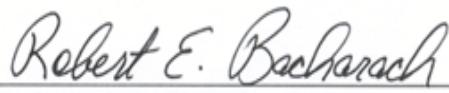
ORDER/REPORT AND RECOMMENDATION

The Petitioner requested leave to proceed *in forma pauperis* (Doc. 2), and the undersigned recommended denial of the application (Doc. 7). Subsequently, the Petitioner paid the filing fee (Doc. 8). Accordingly, the undersigned vacates the prior report and recommendation (Doc. 7) and recommends dismissal of the request for leave to proceed *in forma pauperis* (Doc. 2) on grounds of mootness.

The Petitioner is advised of his right to object to this report and recommendation by September 16, 2009. *See* W.D. Okla. Local Civil Rule 72.1. If the Petitioner does object, he must file a written objection with the Court Clerk for the United States District Court, Western District of Oklahoma. The Petitioner is further advised that if he does not timely object, he would waive his right to appellate review over the suggested ruling. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).

The referral is not terminated.

Entered this 27th day of August, 2009.



Robert E. Bacharach
United States Magistrate Judge